

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF NEW HAMPSHIRE

Glenn Fuerst, et al

Plaintiff

v.

Civil Action No. 1:20-cv-00369-AJ

WVSR, LLC.

Defendant

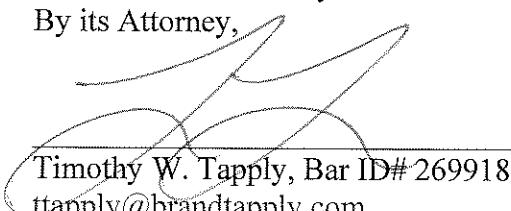
DEFENDANT'S MOTION TO STRIKE EXPERT WITNESS, GEORGE MELCHIOR,
OR IN THE ALTERNATIVE, TO STRIKE CERTAIN PORTIONS OF HIS
REPORT/TESTIMONY, OR ORDER A DAUBERT HEARING

Now comes the Defendant in this matter, WVSR, LLC ("Waterville Valley" or "Defendant"), by and through the undersigned counsel, Timothy W. Tapply, Esq. and Brand & Tapply, LLC, and hereby moves pursuant to Fed. R. Evid. 403 and Fed. R. Evid. 702 that this court strike the Plaintiff's expert witness, Mr. George Melchior, with respect to both the Plaintiff's expert disclosure and any trial testimony or, in the alternative, to strike certain portions of his report/testimony or order a Daubert Hearing. As grounds for its motion, the Defendant contends that the procedures, practices, and processes by which the Plaintiff's liability expert arrived at the opinions that he is reasonably expected to assert at trial are unreliable, not grounded in facts, do not conform with industry standards, are based on an impermissible covert

inspection of the Defendant's premises, are based on knowledge and qualifications that Mr. Melchior does not possess, and generally contravenes the Federal Rules of Evidence and Rules of Civil Procedure.

As grounds for its motion, the Defendant submits the attached memorandum of law supporting its motion.

Respectfully submitted,
WVSR, LLC
d/b/a Waterville Valley Ski Resort
By its Attorney,



Timothy W. Tapply, Bar ID# 269918
ttapply@brandtapply.com
Brand & Tapply, LLC
555 Washington Street, Suite 6
Wellesley, MA 02482
Tel. (781) 431-7878
Fax. (781) 431-7844

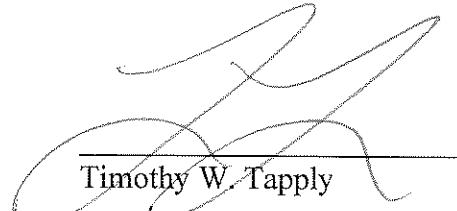
Dated: August 13, 2021

CERTIFICATE OF SERVICE

I hereby certify that the foregoing was electronically served through ECF to all counsel of record on this date.

Jack S. White, Esq.
Israel F. Piedra, Esq.
Welts White & Fontaine PC
29 Factory Street
PO Box 57
Nashua, NH 03061

Dated: August 13, 2021



Timothy W. Tapply